

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

G.M. SIGN, INC., an Illinois
Corporation Individually and as the
representative of a class of similarly
situated persons,

Plaintiff,

v.

Silverman Enterprises, LLC

Defendant.

FILED: FEBRUARY 13, 2009

09CV0965

JUDGE KENDALL

MAGISTRATE JUDGE KEYS

Case No.EDA

Removed from the Ninteeth Judicial
Circuit, Lake County Illinois as Case No.
09 CH 0037

NOTICE OF REMOVAL

Silverman Enterprises, Inc. by and through its attorneys Arnstein & Lehr LLP
hereby state as follows:

1. A civil action was commenced and is now pending in the Circuit Court of
Lake County, Illinois as Case No. 09 CH 0037, in which the above-named party G.M.
Sign, Inc. is the Plaintiff and Silverman Enterprises, Inc. is a Defendant.

2. This action is one over which this Court has diversity jurisdiction pursuant
to the provisions of 28 USC § 1332, and is one which may be removed to this Court by
defendant pursuant to the provisions of 28 USC § 1441, in that it is a civil action wherein
the matter in controversy, exclusive of interest and costs, exceeds the sum of Seventy
Five Thousand Dollars (\$75,000) per plaintiff and exceeds the sum of \$5,000,00 in total
for all class members in that it alleges the class includes "thousands of persons
throughout the United States",¹ and is between citizens of different states. Plaintiff's

¹ Plaintiff has attempted to limit its recovery in this action to less than \$75,000 per plaintiff.
Such limitations are not recognized in Illinois where the Plaintiff failed to file a Stipulation as to the

Complaint seeks both treble and punitive damages against Defendant and seeks to represent a class of individuals which numbers in the thousands. Thus, Plaintiff's Complaint when stripped of its damage limitations exceeds the applicable jurisdictional amount.

3. The action involves a controversy between citizens of different states as follows:

a. Plaintiff is now, and, at the commencement of this action was, an Illinois corporation and is, therefore, a resident of the State of Illinois.

b. Defendant was at the time of the commencement of this action, and is now a limited liability company incorporated under and by virtue of the laws of the State of Delaware and was not and is not incorporated under and by virtue of the laws of the State of Illinois.

c. Defendant had, at the time of the commencement of this action, and now has its principal place of business in the State of Michigan and by virtue of having its principal place of business in Michigan was not and is not a citizen of the State of Illinois.

4. . This Notice is filed in this Court within thirty (30) days after the receipt by defendant of a copy of the initial pleading setting forth the claimed relief upon which the action is based, and, therefore, the time for filing this Notice under the provisions of 28 U.S.C. § 1446(b) has not expired.

5. Written notice of the filing of this Notice has been given to all adverse parties as required by law.

limitation placed upon the damages along with the Complaint. See, *Oshana v. Coca Cola*, 472 F.3d 506 (7th Cir. 2007).

6. A true and correct copy of this Notice will be filed with the Clerk of the Circuit Court of Lake County Illinois as provided by law.

7. There is attached a true and correct copy of all state court pleadings in this action.

WHEREFORE, defendant Silverman Enterprises, LLC prays that it may effect the removal of this action from the Circuit Court of Lake County, Illinois to this Court.

Silverman Enterprises LLC.

By: /s/ Thomas P. Yardley
One of Its Attorneys

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